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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRA-S-1181-2025 (O&M)
Date of decision: 16.05.2025**

Talwinder Singh @ Happy

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Mankirat Kaur Sra, Advocate
for the appellant

Mr. Neeraj Poswal, AAG, Haryana.

None for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. The present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'the Act, 1989'*) by the appellant challenging the order dated 19.03.2025 passed by the Court of learned Additional Sessions Judge, Fast Special Track Court, Sirsa (*hereinafter referred to as 'the trial Court'*), whereby an application filed by him under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case arising out of FIR No. 016 dated 21.01.2025, registered under Sections 115, 118(1), 190, 191(2), 191(3) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)

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(s) and 3(2)(va) of the Act, 1989 at Police Station Kalanwali, District Sirsa, had been dismissed.

2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of a complaint submitted by the complainant Sukhdev Singh alleging that on 21.01.2025, his father Makhan Singh and himself were standing outside the street, when the appellant reached there in a motorcycle and started hurling abuses to them in the name of their caste due to the reason that they had voted in favour of one Kuldip Singh Phagu in the elections of Shiromani Gurdawara Prabandhak Committee, that had taken place on 19.01.2025. Thereafter, the appellant called co-accused at the spot, who reached there armed with weapons and opened an assault upon the complainant and his father and caused injuries to them. While retreating, they insulted the respondent No. 2 in the name of his caste by saying that they would throw them out of the village. The injured were rushed to hospital and were medically examined. After registration of the FIR, investigation proceedings were initiated. The appellant and some of the co-accused were joined into investigation on 18.02.2025. They were interrogated and suffered disclosure statements admitting their involvement in the crime. Offences under Section 3(1)(s) and 3(2)(va) of the Act, 1989 were also added. Investigation now stands concluded and the appellant along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the learned trial Court, which had been dismissed, vide order dated 19.03.2025.

3. It is argued by learned counsel for the appellants that the

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impugned order dated 19.03.2025 is liable to be set aside as while passing the same, the learned Court concerned ignored the fact that the appellant was in custody since long. It was a case of free fight as both the parties sustained injuries. It is a case of version and cross version as an FIR No. 18 dated 22.01.2025 has been registered under Sections 115(2), 118(1), 126(2), 191(2) and 191(3) of BNS, 2023 on the basis of the statement of the appellant against the members of the complainant party. Co-accused Gurjant Singh and Jagsir Singh, whose case is on similar footing, have been extended benefit of bail. On parity, the appellant too deserves to be extended the same benefit. No purpose would be served by detaining him into custody anymore. Therefore, it is urged that the impugned order is liable to be set aside, the appeal deserves to be accepted and the appellant deserves to be released on bail.

4. There is no representation on behalf of respondent No. 2/complainant.

5. Written response has been filed by respondent No. 1-State. It is argued by learned State counsel that keeping in view the gravity of allegations as levelled against the appellant, he does not deserve to be released on bail.

6. The rival contentions of both the parties have been given due consideration.

7. The appellant is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof is alleged to have caused simple as well as grievous injuries to them. A cross case bearing FIR No. 18 has, however, been registered on the

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basis of the statement of the appellant against the complainant party. The appellant is in custody since 18.02.2025. The investigation stands completed. Trial would take time to conclude. It is a case of version and cross version. Injuries have been sustained by the members of the party of the appellants also. Keeping in view the nature of allegations levelled against the appellant, the period of his incarceration as well as the attendant facts and circumstances of the case, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present appeal is allowed. The impugned order is set aside. The appellant is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present appeal and the same shall not be construed as an expression of opinion on the merits of the case.

16.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>